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Art Unit: 2855
Examiner: STEVENS, Maurice E.

REMARKS

By this amendment claims 24-36, and 47-57 have been cancelled without prejudice or disclaimer. Claims 1 and 21 have been amended. No claims have been added. After entry of this amendment claims 1-8, and 21-23 will remain pending. Reconsideration and allowance of the present application are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-4, 21, 24-27, and 47-50 have been rejected under 35 U.S.C. 102(b). They were specifically rejected as being anticipated by Tomisawa et al.

Claims 24-27, and 47-50 have been cancelled, rendering the rejection moot.

Claim 1 has been amended to now recite, *inter alia*, a diaphragm assembly having " a diaphragm positioned in said housing and separating a first chamber and a second chamber, said first chamber configured to be in flow communication only with the engine exhaust path, and said second chamber configured to be in flow communication only with the engine control unit." Tomisawa et al. disclose a diaphragm housing having chambers in flow communication with the engine exhaust path and the engine control unit, but it is also in flow communication with an intake manifold of the engine and a diaphragm valve (10). Therefore it is respectfully submitted that claim 1 should now be allowable.

Dependent claims 3 and 4 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 1 and the additional features recited therein.

Claim 21 has been amended to now recite, *inter alia*, a method for securing a diaphragm assembly to an engine comprising the steps of "coupling an inlet of the diaphragm assembly in flow communication only with an exhaust path of the engine; and coupling an outlet of the diaphragm assembly only with an electronic control unit of the engine." As discussed with respect to claim 1, Tomisawa et al. disclose a diaphragm housing having

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chambers in flow communication with the engine exhaust path and the engine control unit, but it is also in flow communication with an intake manifold of the engine and a diaphragm valve (10). Therefore it is respectfully submitted that claim 21 should now be allowable.

Claims 5-8, 22-23, 28-36, and 51-57 have been rejected under 35 U.S.C. 103(a). Claims 28-36, and 51-57 have been canceled, rendering the rejection moot. Dependent claims 5-8 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 1 and the additional features recited therein.

In view of the above amendments and remarks, the Applicants respectfully submits that claims 1-8, and 21-23 are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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